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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,159	12/17/2001	Michael Wayne Brown	AUS920010843US1	4011

43307 7590 03/01/2005

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,159

Applicant(s)

BROWN ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/25/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/04, 04/11/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-37 are rejected under 35 U.S.C. § 103 as being unpatentable over Greene (5568541) in view of Truchon et al (6144723) or Albers et al (6636504).

Regarding claim 1, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose method for billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access substantially as claimed. The differences between the above and the claimed invention is the use of specific term negotiation. It is noted that it is believed that advising the calling party of charges any requiring the calling party to accept charges are the functional equivalent of the claim limitations. Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68)

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or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing negotiation process for telephone voice transactions. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Greene because the billing means are conventional functional equivalents. Regarding the authentication limitations of claim 2, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the authentication limitations of claim 3, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the billing limitations of claim 4, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access which is a functional equivalent of the claim limitations. Regarding the billing limitations of claims 5 and 6, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the billing limitations of claims 7 and 8, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims

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1-7) disclose billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access which is a functional equivalent of the claim limitations. Regarding the billing limitations of claim 9, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the trusted limitations of claims 10 and 11, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the authentication limitations of claim 12, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the tariffing limitations of claims 13-15, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access which is a functional equivalent of the claim limitations. Regarding claim 16, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose means for billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for

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access substantially as claimed. The differences between the above and the claimed invention is the use of specific term negotiation. It is noted that it is believed that advising the calling party of charges any requiring the calling party to accept charges are the functional equivalent of the claim limitations. Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing negotiation process for telephone voice transactions. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Greene because the billing means are conventional functional equivalents. Regarding the authentication limitations of claim 17, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the authentication limitations of claim 18, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the billing limitations of claim 19, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access which is a functional equivalent of the claim limitations. Regarding the billing

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limitations of claims 20 and 21, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the billing limitations of claims 22 and 23, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access which is a functional equivalent of the claim limitations. Regarding the billing limitations of claim 24, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the trusted limitations of claims 25 and 26, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the authentication limitations of claim 27, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the tariffing limitations of claims 28-30, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose billing a

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call by advising the calling party pay a surcharge to the called party such that the caller pays for access which is a functional equivalent of the claim limitations. Regarding claim 31, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose means(implemented automatically by software) for billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access substantially as claimed. The differences between the above and the claimed invention is the use of specific term negotiation. It is noted that it is believed that advising the calling party of charges any requiring the calling party to accept charges are the functional equivalent of the claim limitations. Truchon et al(See Figs. 2-4c, Col. 6, lines59-68) or Albers et al(Fig. 7, Col. 5, lines55-65) show a billing negotiation process for telephone voice transactions. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Greene because the billing means are conventional functional equivalents. Regarding the authentication limitations of claim 32, Truchon et al(See Figs. 2-4c, Col. 6, lines59-68) or Albers et al(Fig. 7, Col. 5, lines55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the authentication limitations of claim 33, Truchon et al(See Figs. 2-4c, Col. 6, lines59-68) or Albers et al(Fig. 7, Col. 5, lines55-65) show a billing authentication

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process for telephone voice transactions which is a functional equivalent of the claim limitations. Regarding the billing limitations of claim 34, Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing authentication process for telephone voice transactions which is a functional equivalent of the claim limitations.

Regarding the tariffing limitations of claims 35-37, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access which is a functional equivalent of the claim limitations.

3. Claim 40 is rejected under 35 U.S.C. § 103 as being unpatentable over Greene (5568541) in view of Kapsales et al (6330315) and either Truchon et al (6144723) or Albers et al (6636504).

Regarding claim 40, Greene (See Figs. 1-3, Col. 2, lines 1-25, 50-65, Col. 3, lines 50-64, claims 1-7) disclose method for billing a call by advising the calling party pay a surcharge to the called party such that the caller pays for access substantially as claimed. The differences between the above and the claimed invention is the use of specific term negotiation and call blocking. It is noted that it is believed that advising the calling party of charges any requiring the calling party to accept charges are the functional equivalent of the claim limitations. Kapsales et al (Fig. 3) advises a calling party to

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pay to unblock a call. Truchon et al (See Figs. 2-4c, Col. 6, lines 59-68) or Albers et al (Fig. 7, Col. 5, lines 55-65) show a billing negotiation process for telephone voice transactions. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Greene because the billing negotiating (advising) means are conventional functional equivalents.

It is also noted that the limitation "prompting said caller to accept payment" is not the limitation disclosed since the caller pays the payment for access and the called party receives or accepts payment.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

or faxed to (703) 872-9306

Hand delivered responses should be brought to Crystal Park

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V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor
(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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ART UNIT 222